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DAVID BREIN, and Third-Party Defendants,
FRANKE FOWLER, FRANKE FOWLER
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Attorney for Defendants and Cross-Claimants,
FSHP BUILDERS, LLC and BRENDAN J. HANCOCK

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID BREIN, an individual,)	CASE NO. 2:22-cv-01475-CDS-EJY
)	
Plaintiff,)	STIPULATION AND ORDER
v.)	TO EXTEND TIME UNDER <i>FRCP</i> 6(b)(1)
)	TO RESPOND TO COUNTERCLAIM
FSHP BUILDERS, LLC, a Nevada Limited)	
Liability Company; BRENDAN J.)	
HANCOCK, an individual; S.D.Q., a Nevada)	
corporation doing business as PACIFIC)	
SHOWCASE; MAK COMMERCIAL)	
GLAZING LLC, a Nevada limited liability)	
company; OMAR PRIETO, an individual;)	
and DOES 1-20, Inclusive.)	
)	
Defendants.)	
)	
)	
FSHP BUILDERS, LLC, a Nevada Limited)	
Liability Company, and BRENDAN J.)	
HANCOCK, an individual,)	

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1)
2 Counterclaimants,)
3 vs.)
4 DAVID BREIN, an individual,)
5 Counterdefendant.)
6

FSHP BUILDERS, LLC, a Nevada Limited)
7 Liability Company, and BRENDAN J.)
8 HANCOCK, an individual,)
9 Third-Party Plaintiffs,)
10 vs.)
11 FRANKE FOWLER, an individual,)
12 FRANKE FOWLER, AN INTERIOR)
13 DESIGN STUDIO, a California business)
14 entity; RENEE HURWITZ, an individual,)
15 and DOES1-20, Inclusive,)
16 Third-Party Defendants.)
17

16 The PARTIES hereby submit the following STIPULATION and ORDER extending the
17 time for Cross-Defendant DAVID BREIN to respond to the Counterclaim under *Federal Rule of*
18 *Civil Procedure* (“*FRCP*”) 6(b)(1) as follows:

19 **RECITALS**

20 WHEREAS, the Answer and Counterclaim was served on November 2, 2022;

21 WHEREAS, under *FRCP* 12(a)(1)(B), Plaintiff and Counter-Defendant DAVID BREIN’s
22 response to the Counterclaim would be due on November 23, 2022;

23 WHEREAS, after discussion between counsel for the Parties, counsel for Defendant and
24 Counterclaimants FSHP Builders, LLC and Brendan Hancock, Brian K. Berman
25 (“Defendants’ Counsel”) indicated that he would file an Amended Answer, Counterclaim
26 and Third Party Complaint forthwith;

WHEREAS, in light of Defendants' Counsel's representation as set forth above, the Parties agreed to permit Defendants' Counsel additional time to file said Amended Pleadings and extend the time for Plaintiff and Cross-Defendant to respond to the instant Counterclaim;

STIPULATION

The PARTIES and their counsel of record hereby STIPULATE to the following:

1. Defendants and Counterclaimants FSHP Builders, LLC and Brendan Hancock shall have an additional fifteen (15) days to file their Amended Pleadings, up to and including December 8, 2022;
2. Counter-Defendant David Brein shall have an additional twenty-one (21) days, up to and including December 14, 2022, to file responsive pleadings to the current Counterclaim on file with the Court if Defendants do not amend their Answer and/or Counterclaim;
3. If Counterclaimant(s) file Amended Pleadings, Counter-Defendant David Brein shall have the time prescribed by *FRCP* 12(a)(1)(B) to respond to the Amended Counterclaim.

/Jonathan Gabriel/
By: Jonathan G. Gabriel, Esq.
Attorneys for Plaintiff and Counter-Defendant
David Brein

/Brian K. Berman/
By: Brian K. Berman, Esq.
Attorneys for Defendant and Counterclaimants
FSHP Builders, LLC and Brendan Hancock

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: November 28, 2022